

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI IMMEDIATE

INFO USMISSION GENEVA PRIORITY

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E.O. 11652: N/A

TAGS: SREF, ET, KE

SUBJECT: ETHIOPIAN REFUGEES (ASFAW, SHEFRAU S., AND
MAKONNEN, WASSEN E.)

REF: NAIROBI 7202

1. ASYLUM IS THE RIGHT AND RESPONSIBILITY OF THE COUNTRY
IN WHICH THE REQUEST IS MADE. ALTHOUGH WE RECOGNIZE
POSSIBLE IMPLICATIONS FOR BILATERAL KENYAN/ETHIOPIAN
RELATIONS, KENYA IS ALSO SIGNATORY TO THE CONVENTION RE-
LATING TO THE STATUS OF REFUGEES WHICH IMPOSES CERTAIN
OBLIGATIONS INCLUDING PROHIBITION AGAINST EXPULSION OF A
REFUGEE TO A COUNTRY WHERE HIS LIFE OR FREEDOM WOULD BE
THREATENED BECAUSE OF HIS RACE, RELIGION, NATIONALITY,
MEMBERSHIP IN A PARTICULAR SOCIAL GROUP OR POLITICAL
OPINION. IN ESSENCE THIS IS A PROBLEM FOR THE KENYAN
GOVERNMENT.

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2. UNHCR REPRESENTATIVE CAN BE EXTREMELY HELPFUL IN RE-

SETTLING REFUGEES IN THIRD COUNTRIES BOTH AS A RESULT OF DIRECT APPEALS BY REFUGEE OR BY COUNTRY IN WHICH REFUGEE IS LOCATED.

3. U.S.G. IS RELUCTANT TO ASSUME AN ACTIVE ROLE IN RE-

QUESTS FOR ASYLUM FROM REFUGEES IN A COUNTRY WHICH IS SIGNATORY TO CONVENTION ON REFUGEES AND WHICH IS EXPECTED TO PROVIDE CERTAIN SAFEGUARDS FOR REFUGEES. THE ONLY METHOD OF ENTRY INTO U.S. OF REFUGEES IN MANY PARTS OF THE WORLD IS THROUGH PAROLE WHICH IS PREROGATIVE OF ATTORNEY GENERAL (INS). PAROLE IS EXERCISED JUDICIOUSLY BY INS AND ONLY IN CASES WHERE ALL OTHER ALTERNATIVES EXHAUSTED AND REFUGEE IN DANGER.

4. IN MEKONNEN AND ASFAW CASE, WE BELIEVE THEY SHOULD BE REFERRED TO UNHCR FOR POSSIBLE VERIFICATION OF IDENTITY AND ASSISTANCE. UNHCR CAN SEEK RESETTLEMENT OPPORTUNITIES FOR THEM. IF BROTHERS IN U.S. ARE AMCITS, THEY MIGHT BE ELIGIBLE FOR FIFTH PREFERENCE.

5. IT APPEARS THAT SUBJECTS QUALIFY TO APPLY FOR CONDITIONAL ENTRY INTO THE UNITED STATES UNDER SECTION 203(A)(7) OF THE INA. HOWEVER, TO APPLY SUBJECTS WILL HAVE TO PROCEED TO POST IN WESTERN EUROPE WHERE INS PROCESSES CONDITIONAL ENTRY APPLICATIONS. THESE POSTS ARE ROME, ATHENS, VIENNA, PARIS, AND FRANKFURT. ROME AND ATHENS CURRENTLY HAVE SMALLEST BACKLOG. TRAVEL DOCUMENT AND VISA TO ENTER COUNTRY OF APPLICATION WILL BE REQUIRED AND LOCAL UNHCR REP IN NAIROBI MAY BE ABLE TO ASSIST IN THIS RESPECT. IF UNHCR CAN MOVE SUBJECTS TO ANY OF THESE COUNTRIES, INS CAN PROCESS FOR US ENTRY. KISSINGER

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